

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. **Claims 1-39** are pending.

Section 131 Declaration

Applicant submits herewith a supplemental affidavit to the earlier filed declaration under 37 C.F.R. §1.131.

The supplemental affidavit is provided to address the Office's response in the office action of April 8, 2003 that the earlier filed declaration is ineffective to overcome the reference U.S. Patent No. 6,219,653 B1 to O'Neill et al (hereinafter, "O'Neill"). In particular the Office points out that there is no evidence to show due diligence between the September 15, 1998 filing date of O'Neill and the applicant's April 5, 1999 filing date.

In a telephone conversation between Examiner Blair and Emmanuel A. Rivera on May 15, 2003, Examiner Blair was asked what was needed to show due diligence between the September 15, 1998 filing date of O'Neill and the applicant's April 5, 1999 filing date. Examiner Blair's response was that a supplemental affidavit listing activities supporting due diligence and signed by a party familiar with the activities would be sufficient. Further the supplemental affidavit should state that the supporting documentation that was provided with the earlier declaration was not publicly disclosed prior to the filing date of April 5, 1999 of the subject application.

Applicants submit a supplemental affidavit listing activities that show due diligence and signed by Lewis C. Lee, outside counsel that filed the subject application. Accordingly, the O'Neill reference should be removed as a reference because it is not prior art.

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